

REMARKS

Claims 12-17 and 19 are currently pending in the above application. Claim 21 is added by the foregoing amendment.

The specification stands rejected for failing to provide proper antecedent basis for the claimed subject matter because the claimed temperature range of claim 19 does not match the specification. Applicants herein have corrected the specification to cite a temperature range matching that of claim 19. Reconsideration of the specification is respectfully requested.

Claims 12-17 and 19 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Hudkins et al. (U.S. Patent No. 6,296,733) in view of Bell et al. (U.S. Patent No. 6,787,593). Applicants respectfully traverse the Examiner's rejection for reasons stated in preceding Responses regarding Hudkins et al. and Bell et al.

In an effort to further emphasize the distinction, Applicants have amended claim 12 to include a plurality of nibs formed on the recyclable, rubber-like thermoplastic backing material. The addition of the nibs is fully supported by the specification and should not require further searching by the Examiner for examination purposes.

Applicants respectfully submit that the highly filled polymeric structure of Bell et al., based on metallocene ethylene-octene copolymers having a melt index of between 1 and 10, would not form the rubber-like thermoplastic mat claimed in the present invention, as the material would not be able to flow within a mold and form the intricately shaped nibs on a visible outer surface of the recyclable, rubber-like thermoplastic material as in amended claim 12. Instead, the backing material formed would have incompletely formed nibs that would easily break off during subsequent use.

The Examiner's comments about the purchase of metallocene polymers without filler is misplaced and incorrectly characterize Applicant's argument. The presence of filler in the composition of the thermoplastic backing material in both Bell et al. and in the present invention (see Table 1) is known. The difference between Bell et al. and the present invention is the composition of the material, which dictates the end use application.

As shown in Column 2, Line 66 – Column 3, Line 4 of Bell, the highly filled composite is formed of about 10-30 percent of the metallocene copolymer (further, as shown in Column 2, lines 14-21, the metallocene copolymer have a melt flow range of 1-10 and a density of about 0.860 to 0.9), about 2 to 7 percent plasticizer, and about 60 to 85 percent inorganic particulate filler. Applicants have consistently pointed out that the composition of Bell could not be used in the present application, as the level of filler material is too high, in conjunction with a metallocene polymer having a melt flow range of 1-10, to form the intricately shaped nibs of claim 12.

With regards to Exact[®] 4023 (which the Examiner has stated has a melt flow index of 30), Applicants have consistently pointed out that this particular material would not be contemplated in Bell, as it does not have a melt flow index between 1 and 10, as required by Bell, to form the composite materials having far superior sound absorbing capabilities while meeting the demand of balanced properties of impact strength, tensile, elongation, flex modulus and specific gravity. These composite materials also satisfy the requirements of resistance to cold, mildew fogging and flammability. Thus, because Exact[®] 4023 is not contemplated in Bell et al. (filled or unfilled), it cannot be used to obviate the present invention.

The present invention, on the other hand, utilizes a metallocene copolymer that can form complete nibs due to the compositions flow characteristics. As the combination of Bell and Hudkins, alone or in combination, does not disclose a metallocene copolymer having these flow characteristics, amended claim 12 is novel over the combination of Bell et al. and Hudkins et al. Further, with regards to claim 14 and 15, neither Bell nor Hudkins

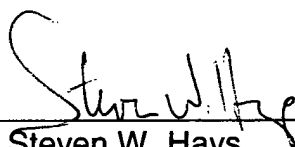
discloses a metallocene copolymer having a melt flow index between 25 and 35. Reconsideration of claims 12-17 and 19 is respectfully requested.

Applicants have also added new claim 21 by the foregoing amendment. Claim 21 combines amended claim 12 and claim 15 to form a new independent claim having a metallocene copolymer combining metallocene polymers having respective melt indices of 25-35 and 2-4 to form the composition of the backing material. As neither Bell et al. nor Hudkins et al. contemplates the combination presented, Applicants respectfully submit that new claim 21 is novel and nonobvious in view of the cited prior art. Consideration of new claim 21 is respectfully requested.

Applicants respectfully suggest that claims 12-17, 19, and 21 are allowable. The Examiner is invited to telephone the Applicants' undersigned attorney at (248) 223-9500 if any unresolved matters remain.

Respectfully submitted,

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